

Mr. Chairman and Members of the Committee:

I am Bob Adams, of Helena, President of Montana Conservation Voters Education Fund. That organization, and its partner organization, Montana Conservation Voters, both **oppose** HB292. A mutual purpose of both these non-partisan organizations includes working to protect and enhance Montana's natural resources: land, air, water, forests and wildlife. * * * Thank you for this opportunity to express our opinion. * * *

At issue is whether this committee will support a referendum in 2012 to insert the term "economically productive" environment within the current Montana Constitution's statement of "inalienable rights" at Article II, Section 3. Those rights have, from 1972, included the "right to a clean and healthful environment."

This proposed constitutional amendment should fail for a number of reasons:

- The meaning of the terms proposed is vague, indeterminate and subject to capricious interpretation. The implications, the effects, are unclear at best.
- This is an end run around the people's will expressed at the polls just last year—by 59% to 41%, we voted to retain the 1972 Constitution "as is."
- Courts rightly and regularly reject laws that are deemed "void for vagueness." Difficult (unclear) language makes for bad law. The language proposed is patently vague.
- Montana's constitution already protects economic prosperity: an inalienable right "in acquiring, possessing and protecting property" (Sect. 3) and also with Article II, eminent domain protection.

My organization's objections focus on the imprecise meaning of "economically productive." Note that our 1972 Constitution is renowned for both clarity and a broad statement of individual rights, ranging from the current "inalienable rights" in Section 3, near the top of the list of 35 sections, to freedom of speech, due process of law, the right to vote, and the right to bear arms. The problem here is how do you fairly balance one person's right to a clean and healthful environment...terms arising from the idea of the public trust, the common good, with another's right to an "economically productive environment"...when those concepts come into conflict...as they inevitably must, given the vague meaning of the intended amendment?

If polluting drinking water with biological or chemical waste makes the most economically productive environment for one, does that trump everyone else's right to rely on public health and safety laws protecting the water?

Note that agriculture and tourism are Montana's biggest money-makers. Those industries thrive on clean air, water and in healthy communities. "Clean and healthful" has been "good business" for Montana since 1972. What may befall those values...and those profits... set against the proposed addition, is surely ambiguous.

I'll conclude with the old adage: "If it ain't broke (...and it is not), don't fix it." We voted against a new "Con-Con" last year. Back in 1972, I observed leaders like Leo Graybill, George Harper and Betty Babcock work together for months to thoughtfully construct our clear and effective Constitution. I do not believe they...or we...want to muddy the waters with this attempt at amendment. No one can reasonably predict where the tipping point will occur between one person's economic productivity and another's clean and healthful environment. Don't stir the anthill—kick the hornet's nest—or some unexpected chickens may come home to roost.

We urge you to **vote against** HB292.

Thank you.

Bob Adams,

For Montana Conservation Voters Education Fund and Montana Conservation Voters.